

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 N. 5th Street
KANSAS CITY, KANSAS 66101

BEFORE THE ADMINISTRATOR)
)
IN THE MATTER OF:)
)
 Willert Home Products, Inc.) Docket No. RCRA-VII-98-H-0017
)
 Respondent)

CONSENT AGREEMENT AND FINAL ORDER

This proceeding was initiated on or about September 29, 1998, when the United States Environmental Protection Agency, Region VII ("Complainant" or "EPA") issued a Complaint, Compliance Order and Notice of Opportunity for Hearing ("Complaint") to Willert Home Products, 4044 Park Avenue, St. Louis, Missouri. Pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984 (hereinafter known as RCRA), Title 42 United States Code (U.S.C.), Section 6901 et seq., the Complainant sought civil penalties for alleged violations of Section 3005 of RCRA, 42 U.S.C. § 6925, and 40 Code of Federal Regulations (CFR), Sections 270, 262.34(a) and (b), and 262.11.

The Complainant and Respondent subsequently entered into negotiations in an attempt to settle the allegations contained in the Complaint. This Consent Agreement and Final Order is the result of such negotiations and resolves all issues relating to the administrative claims arising from the allegations in the Complaint.


R00162694
RCRA RECORDS CENTER

CONSENT AGREEMENT

1. For the purposes of this proceeding only, the Respondent admits the jurisdictional allegations of the Complaint and agrees not to contest the EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of this Consent Agreement and Final Order.
2. The Respondent neither admits nor denies the factual allegations set forth in the Complaint and neither admits nor denies any violations of Section 3005 of RCRA, 42 U.S.C. § 6925, and 40 CFR §§ 270, 262.34(a) and (b), and 262.11.
3. The Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth in the Complaint.
4. Both parties agree that each party will bear its respective costs and attorney fees in connection with this proceeding.
5. The Respondent certifies by signing this Consent Agreement and Final Order that, upon information and belief, it is presently in compliance with RCRA, 42 U.S.C. § 6901 et seq., and all of the regulations promulgated thereunder.
6. Based on information provided to the EPA by the Respondent and pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), as discussed in the RCRA Civil Penalty Policy of October 26, 1990, the EPA has determined the appropriate penalty to be Forty-Four Thousand Six Hundred Ninety Dollars (\$44, 690.00). The Respondent consents to the payment of this penalty as set forth in the Final Order.
7. Each signatory of this Consent Agreement and Final Order certifies he or she is fully authorized to enter into the terms of the Consent Agreement and Final Order.
8. Upon receipt of the check for payment of the penalty, the EPA agrees to terminate

this Consent Agreement and Consent Order by notifying the Respondent, in writing, upon the Respondent's demonstration of completion of all activities required herein to EPA's satisfaction.

9. The Respondent consents to the issuance of the Final Order recited below.

FINAL ORDER

Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and based on the information set forth in this Consent Agreement, IT IS HEREBY ORDERED THAT:

1. The Respondent certifies that, upon information and belief, it is in compliance with RCRA and the regulations promulgated thereunder. The Respondent shall remain in compliance with RCRA and other applicable federal, state, and local environmental laws and regulations.

2. The Respondent shall pay a civil penalty of Forty-Four Thousand Six Hundred Ninety Dollars (\$44, 690.00) within thirty (30) days of receipt of a fully executed copy of this Final Order.

3. Payment of the penalty shall be by cashier or certified check made payable to "Treasurer of the United States" and remitted to:

Regional Hearing Clerk
United States Environmental Protection Agency
Region VII
c/o Mellon Bank
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251

The Respondent shall reference the Docket Number, RCRA-VII-98-H-0017, on the check.

4. Failure to pay any portion of the civil penalty on the date the same is due may result in the commencement of a civil action in Federal District Court to collect said penalty,

along with interest thereon, at the rate of five percent (5%) per annum.

5. No portion of the civil penalty or interest paid by the Respondent pursuant to the requirements of this Consent Agreement and Final Order shall be claimed by the Respondent as a deduction for federal, state, or local income tax purposes.

6. Each party shall bear its own costs and attorney fees in connection with this proceeding.

7. This executed Consent Agreement and Final Order shall be filed with the Regional Hearing Clerk, U.S. Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101.

8. This Final Order shall apply to and be binding upon the EPA and Respondent and the agents, successors, and/or assigns of the Respondent. The Respondent shall ensure that it or its directors, officers, employees, contractors, consultants, firms, or other persons or entities acting under or for it comply with the terms contained in this Consent Agreement and Final Order.

9. Each signatory of this Consent Agreement and Final Order certifies he or she is fully authorized to enter into the terms of the Consent Agreement and Final Order.

10. The effective date of this Consent Agreement and Final Order shall be the date this Consent Agreement and Final Order are filed with the Regional Hearing Clerk.

The United States Environmental Protection Agency
Complainant

William A. Spratlin
Director, Air, RCRA and Toxics Div.

Date

Phillip S. Page
Phillip S. Page
Assistant Regional Counsel

9.27.99
Date

Willert Home Products, Inc.
Respondent

Susan M. Hantak
Willert Home Products, Inc.
Position: EXEC. V.P.

9.23.99
Date

IT IS SO ORDERED. This Final Order is effective upon receipt by Respondent of a fully executed copy hereof.

Robert L. Patrick
Regional Judicial Officer

Date